

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
VS.	§	CRIMINAL ACTION NO. C-06-87
	§	
DARIO MARTINEZ-CAPORELI; aka	§	
SANTOS GUAJARDO, <i>et al</i> ,	§	
	§	
Defendants.	§	

**OPINION AND ORDER OF DETENTION PENDING TRIAL
AS TO MATERIAL WITNESS VICTOR MANUEL MARTINEZ-PERALES**

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held as to material witness Victor Manuel Martinez-Perales. The following requires detention of the witness pending trial in this case:

- (1) There is a serious risk that the witness will not appear for court as required.

The findings and conclusions contained in the Pretrial Services Report and Addendum are adopted. The witness has been formally removed from the United States. Though he is not charged with the offense of re-entry after deportation, he has no incentive to remain in the United States because of the possibility that he may be formally charged. The witness's prior criminal history demonstrates he has been unable to comply with terms of probation, making him a poor bond risk. Finally, according to the statements of ICE Agent Victor Rowley during the March 3 hearing, this witness would not be granted temporary privileges to remain in the United States pending trial in this case.

The witness is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The witness shall be afforded a

reasonable opportunity for private consultation with counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the witness to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 9th day of March, 2006.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE